



Order Filed on October 29, 2018

by Clerk

U.S. Bankruptcy Court
District of New JerseyUNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

810836
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 Attorneys for WELLS FARGO BANK, N.A.

In Re:

JULIE ANN KIMBLE
 FREDERICK KIMBLE A/K/A FREDERICK G. KIMBLE

Case No: 18-13728 - RG

Hearing Date: August 15, 2018

Judge: ROSEMARY GAMBARDELLA

Recommended Local Form:



Followed



Modified

**AMENDED ORDER RESOLVING MOTION TO VACATE STAY AND/OR MOTION TO DISMISS WITH
 CONDITIONS**

The relief set forth on the following pages, numbered two (2) and three (3) is hereby **ORDERED**.

DATED: October 29, 2018

Rosemary Gambardella
 Honorable Rosemary Gambardella
 United States Bankruptcy Judge

Applicant: WELLS FARGO BANK, N.A.
Applicant's Counsel: Phelan Hallinan Diamond & Jones, PC
Debtor's Counsel: JOAN SIRKIS WARREN, Esquire
Property Involved ("Collateral"): 15 SHELLEY COURT, SPARTA TOWNSHIP, NJ 07871-2530

Relief sought: ☒ Motion for relief from the automatic stay
☐ Motion to dismiss
☐ Motion for prospective relief to prevent imposition of automatic stay against the collateral by debtor's future bankruptcy filings

For good cause shown, it is **ORDERED** that Applicant's Motion(s) is (are) resolved, subject to the following conditions:

1. Status of post-petition arrearages:

☒ The Debtor is overdue for 5 months, from 04/09/2018 to 08/13/2018.

☒ The Debtor is overdue for 10 bi-weekly payments at \$1,317.85.

☒ The Debtor is assessed for 1 NSF fee at \$20.00.

☒ Applicant acknowledges suspense funds in the amount of \$500.00.

Total Arrearages Due \$12,698.50.

2. Debtor must cure all post-petition arrearages, as follows:

☒ Immediate payment shall be made in the amount of \$3,000.00. Payment shall be made no later than 08/31/2018.

☒ Beginning on 08/27/2018, regular monthly mortgage payments shall continue to be made.

☒ Beginning on 08/27/2018, additional monthly cure payments shall be made in the amount of \$1,616.42 for 5 months.

☒ On 01/27/2019, additional monthly cure payment shall be made in the amount of \$1,616.40.

☐ The amount of \$_____ shall be capitalized in the debtor's Chapter 13 plan. Said amount shall be set up on Trustee's ledger as a separate Claim. Debtor(s) shall file a Modified Plan within 10 days from the entry

of this Order to account for the additional arrears to be paid to the secured creditor via Chapter 13 Plan and to adjust monthly payments to the Chapter 13 Trustee accordingly.

3. Payments to the Secured Creditor shall be made to the following address(es):

☒ Immediate payment:

Wells Fargo Bank, N.A.
Attention: Bankruptcy Payment
Processing
MAC F2302-04C
1 Home Campus
Des Moines, IA 50328

☒ Regular Monthly payment:

Wells Fargo Bank, N.A.
Attention: Bankruptcy Payment
Processing
MAC F2302-04C
1 Home Campus
Des Moines, IA 50328

☒ Monthly cure payment:

Wells Fargo Bank, N.A.
Attention: Bankruptcy Payment
Processing
MAC F2302-04C
1 Home Campus
Des Moines, IA 50328

4. In the event of Default:

☒ Should the Debtors fail to make any of the above captioned payments, or if any regular monthly mortgage payment commencing after the cure of the post petition delinquency is more than thirty (30) days late, counsel shall file a Certification of Default with the Court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtors, and Debtors' attorney and the court shall enter an Order granting relief from the Automatic Stay

☒ In the event the Debtors converts to a Chapter 7 during the pendency of this bankruptcy case, the Debtors shall cure all arrears within ten (10) days from the date of conversion in order to bring the loan contractually current. Should the Debtors fail to bring the loan contractually current,

counsel shall file a Certification of Default with the Court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtors, and Debtors' attorney and the court shall enter an Order granting relief from the Automatic Stay

☒ This agreed order survives any loan modification agreed to and executed during the instant bankruptcy. If any regular mortgage payment due after the execution of a loan modification is more than thirty (30) days late, counsel shall file a Certification of Default with the Court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtors, and Debtors' attorney and the court shall enter an Order granting relief from the Automatic Stay

5. Award of Attorneys' Fees:

☐ The Applicant is awarded attorneys fees of \$_____, and costs of \$_____.

The fees and costs are payable:

☐ Through the Chapter 13 plan. These fees/costs shall be set up as a separate claim to be paid by the Standing Trustee and shall be paid as an administrative claim.

☐ to the Secured Creditor within _____ days.

☐ Attorneys' fees are not awarded.

6. This Agreed Order survives any loan modification agreed to and executed during the instant bankruptcy.